

Court of Appeals, State of Michigan

ORDER

Charles Gray v Henry Ford Hospital

Docket No. 280580

LC No. 07-709523-NO

Brian K. Zahra
Presiding Judge

Christopher M. Murray

Karen M. Fort Hood
Judges

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the August 24, 2007, order of the Wayne Circuit Court denying defendant's motion to dismiss for the failure to file a notice of intent hereby is REVERSED. Whether a claim sounds in medical malpractice as opposed to an ordinary negligence claim depends on whether the facts and issues are "within the common knowledge and experience of the jury or, alternatively, raise questions involving medical judgments." *Dorris v Detroit Osteopathic Hosp Corp*, 460 Mich 26, 46; 594 NW2d 455 (1999). When and under what circumstances a hospital facility and/or its employees may release the results of a drug test to a patient's employer or the employer's representative after a patient has signed a medical release authorization form for the purpose of obtaining medical treatment is beyond the knowledge of the ordinary layperson and raises questions involving medical judgments. The case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 15 2008

Date

Sandra Schultz Mengel
Chief Clerk